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LETTER DATED 12 FEBRUARY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am writing pursuant to the letter dated 5 February 1999 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia to the United Nations addressed to the President of the Security Council, circulated as a document of the Council (S/1999/120), questioning the status of the Federal Republic of Yugoslavia in the United Nations.

In that connection, I recall that the present status of the Federal Republic of Yugoslavia is determined by the decision of the General Assembly of the United nations, contained in its resolution 47/1, in which the Assembly decided that the Federal Republic of Yugoslavia should not participate in the work of the Assembly. The legal aspect of this decision was summed up in the letter of the Under-Secretary-General for Legal Affairs, the Legal Counsel, of 29 September 1992, circulated as a document of the Assembly (A/47/485, annex), in which the Under-Secretary-General expressed the considered view of the Secretariat of the United Nations that Assembly resolution 47/1 neither terminated nor suspended Yugoslavia's membership in the Organization.

The letter also stated that "General Assembly resolution 47/1 deals with a membership issue which is not foreseen in the Charter of the United Nations, namely, the consequences for purposes of membership in the United Nations of the disintegration of a Member State on which there is no agreement among the immediate successors of that State or among the membership of the Organization at large. This explains the fact that resolution 47/1 was not adopted pursuant to Article 5 (suspension) of the Charter nor under Article 6 (expulsion). The resolution makes no reference either to those Articles or to the criteria contained in those Articles".

Furthermore, the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations in New York and that to the United Nations Office at Geneva continue to function and the Federal Republic of Yugoslavia pays its contribution to the regular budget of the United Nations, while in its communications, the United Nations Secretariat treats the Federal Republic of Yugoslavia as a regular State Member of the United Nations.

I would be very grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.